D

A / GL 9P / 1147 / HC / 17

File No. 100 2 / 19 . 34

Collection No.

K

P41

Pros. Serial Nos. 1-4

Subject.

Appeal petition of Ex. Sub-Inspector of police D. Selvaraj.

Previous References.	Later References.
707 (1) / 31.	
Indexed	

S. 97. (Blue).

DOFP—16588&P—(M·1937)—19·12·32—60,000.

NOTES AND PRECIS.

(1)

*D.No.9357 S.N. 1.

1.

The petitioner (who was formerly a sub-inspecter in the Station Police Force) asks for a reconsideration of the order of dismissal passed by Mr. Sullivan's predecessor, [illegible]ton, and confirmed in appeal by the previous Resident, Sir Richard Burke. He approached a lady, Mrs.Harriet L.Lee, to use her "tactics" and "influence" on the present Resident with a view to get the order of dismissal cancelled. The Resident agreed to grant her an interview, but refused to discuss with her the question of the dismissal of the petitioner.

If approved, the petitioner may be informed that the Resident is not prepared to interfere with the orders passed by his predecessor. Draft submitted for approval.

K Wray
23.11.34

Secretary.

2. There are no fresh facts or circumstances, and therefore no grounds for interference re-opening the case. The petitioner's appeal against the order of dismissal was rejected on its merits by Sir Richard Burke.

The draft may issue?

Clone
24.10.34

Read:

Letter 27/10

Record

S. N. 2

× in Colln (W)

⊗ S.N.3 / 707-31 (W)

+ S.N.1/707(2)/31 of (L)

≻ S.N.3 of (L)

⊛ para 6 of notes in Colln (L)

[redacted]

[redacted] S.N. 3. Pur C.

3.

Draft endt. to the Commr. of Police is submitted.

29/1/35

(Para 3 only)

31/1/35

Corr. 16 Issued S.N. 4.

Recvd.

P.T.O

4

A short history of the case before Mr. Selvaraj approached the Government of India is given in para 1 and 2 of notes ante.

S.N. 3 Cor. P. 4 to 8 of (D)

5

On the 3rd January 1935, Mr. Selvaraj sent up a petition direct to the Government of India, Foreign and Political Department; but this was returned to him for submission through proper channel. Mr. Selvaraj has now submitted his petition through the usual official channel - vide S.N. 3 and 4 of file 1002/34.

Cor. p. 3616 of (D)

6

The present petition merely combines his two previous appeals at S.N.1 of file 707/31 and S.N.4 of file 707/31 (I). There are therefore no new facts or circumstances and consequently no new grounds which this Residency has to examine. In this connection please see para 2 of notes ante.

* Gen (W)
* Gen (L)

7

The petition is addressed to the Foreign and Political Department, and according to Rule 8 of the Foreign and Political Department Memorial Rules, this petition will have to be dealt with under Home Department's Instructions for submission of petitions to the Governor General in Council.

(N)

pages 237-242 of Compilation of Civil Services (Classification, Control & Appeal) Rules, etc.

8

The conditions of service of the petitioner are governed by the rules at appendix IX to the Civil Services (Classification Control and Appeal) Rules. Under the

rules

Read up - Vol. pages 98-101.

rules petitioner is entitled to only one appeal which lies to the Resident. The Resident's decision on the appeal is final; and it seems therefore that the present petition can be withheld under ~~Rule 7~~ (16)(b) Part III of the Government of India, Home Department's Instructions for the submission of petitions to the Governor General in Council.

9. Submitted for orders as to whether the petition may be withheld under the above rule or whether it may be forwarded to the Government of India for orders - Vide Rule 18 of the Rules in Appendix IX to the Civil Services (Classification, Control and Appeal) Rules.

Id.S.A.
29/3/35

T.N.T.
8-4-35

(10) The petition may be withheld. (Rule 18 referred to in para 9 of notes confers very wide general powers of revision on the Governor General in Council; but it is not for us to forward comments to the Govt. of I. unless we feel that there are grounds for the exercise of these powers of revision).

(11) I agree that the petition may be withheld. 10.4.35

Para 10 ante.

(12) Draft submitted.

(from para 12

M 29.4.35

T. N. T.

29-4-35

30/4

To be entered in the List of memorials without done please

Record

T. N. T.

16-5-35

16/5/35 S. N. (6) Done.

CORRESPONDENCE.

(Page 1

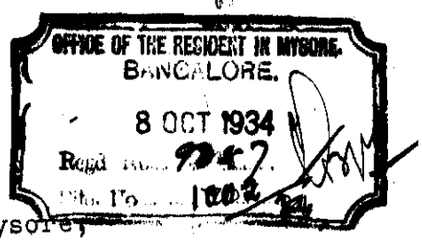
Bangalore.

28th September 1934.

S.N.1

From

D. Selvaraj,
5 Pettigrew street,
St. John's Hill,
Bangalore.



To

The Hon'ble the Resident in Mysore,

Bangalore.

Through

The Commissioner of Police,
Civil & Military Station,
Bangalore.

16he
7/10

Sir,

Most respectfully I beg to state that I submitted an appeal in revision on 8-8-1933 for favourable consideration of my claims in view of the facts stated in the revision appeal which is still pending disposal. I therefore, beg to remind in the matter and crave your indulgence to be graciously pleased to order my re-instatement.

?

S.N.4
7(L)?

For which act of kindness I shall ever feel grateful.

I beg to remain,
Sir,
Your most obedient servant,

D. Selvaraj

S.B.L.: 272/34

Forwarded.
The date 8.8.1933 is a mistake for 8.9.33 on which date I personally handed over the appeal to major Kitchside. The Hon'ble the Resident has already rejected the appeal.

J. Williams C. Police
3/10/34

* This is not in the file; but please see Copy at S.N.4 7(L)

DEPARTMENT.

BRANCH.

File

Serial No.

Draft Letter / Memorandum / Telegram

Class for telegrams — Express / Urgent* / Priority / Clear Line† — *Only for Foreign Telegrams. †Not for Foreign Telegrams.

No. F-1002 Dated 31st October 19 34.

From The Secretary to the Resident.

To

The Commissioner of Police,
Civil & Military Station,
Bangalore.

To be issued on | Issued on

1st Reminder

2nd Reminder

3rd Reminder

Heading : Dismissal of Sub-Inspector D.Selvaraj from the Station Police Force.

Case or Diary No.

If post copy of telegram required

Date of despatch of above

List of enclosures

(Code word fo telegrams.)

S.N.1

Reference his endorsement [illegible] No.873/34, dated the 3rd October [illegible]

2. The petitioner may be informed that the Hon'ble the Resident is not prepared to interfere with the orders passed by his predecessor.

27/10

Secy. to the Resident.

24/10

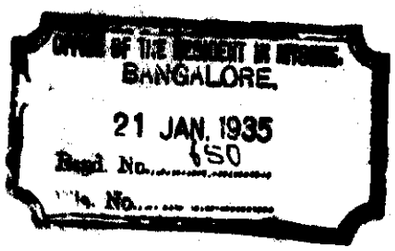
S. &

SN.3

No.D.76-E/35.

The undermentioned papers are forwarded in original to the Hon'ble the Resident in Mysore, with the request that Mr. D. Selvaraj may be informed that his petition cannot be considered by the Government of India unless it is submitted through the proper official channel.

By order, etc.,



Assistant Secretary to the Government of India.

Foreign and Political Department,

New Delhi, the 16th January 1935.

Letter dated the 3rd January 1935, with enclosures, from Mr. D. Selvaraj formerly Sub-Inspector of Police, C. & M. Station, Bangalore, regarding his dismissal from Government service.

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Bangalore.
3rd January 1935.

From

D. Selvaraj,
5 Pettigrew street,
St. John's Hill.
Bangalore.

To

The Secretary to
Government of India,
Foreign and Political,
New Delhi.

Most respected Sir,

Most respectfully I beg to prefer this my humble appeal in revision against the order passed by the Offg. Commissioner of Police (Mr. R.S. Milton) Civil and Military Station, Bangalore on 1-9-31 dismissing me from Government Service and the orders of the Hon'ble the Residents in Mysore, Bangalore, in upholding the order of dismissal though they were quite satisfied that the allegations against me were not established and in doing so, most respectfully I beg to submit the following for your kind consideration and justice:-

I joined the Police office as a clerk in 1923 and in appreciation of my good work I was specially selected as a Sub Inspector of Police in 1929 and sent to the Police Training School Vellore. I came out with distinction in the Public Examination in the Law subjects in 1930 and within a short period of 9 months service I was attached to a station where I earned Good Service entries and Rewards specially for detection of crimes, vide extract enclosed.

On 7-4-1931 I was asked to take charge of the Traffic department which I did. On 14-7-1931 the Offg. Commissioner of Police ceased my probation as Sub Inspector of Police on a malicious complaint received by him from one Mr. Ashe, taking him to be a gentleman and without holding a departmental enquiry of any kind into the matter. When I insisted on an enquiry being held, the Offg. Commissioner of Police threatened me with dismissal and I therefore joined my permanent appointment in the Police Office hoping to get redressed from the Permanent Commissioner of Police who was expected shortly, for, the Offg.

Commissioner

(5

Commissioner of Police had already made up his mind against me as he had come to a definite finding against me without even holding an enquiry and thereby giving me no opportunity to clear myself from groundless charges. A week later, the Offg. Commissioner of Police suddenly suspended me and held an enquiry after a fortnight.

After the enquiry, although the Offg. Commissioner of Police was satisfied that all the accusations against me were specifically false, baseless and unfounded - vide the Minute enclosed - yet he drew an adverse inference and he did not only confirm his order of ceasing my probation as Sub Inspector of Police because he had to shield himself for having already passed a hasty order in ceasing my probation without holding an enquiry in conformity with the Station Police order No.204 but also dismissed me from Government Service as he had already filled in my permanent appointment by that time by mistake.

The Hon'ble Sir E. Burke, the then Resident in Mysore, on my appeal, was pleased to specifically set aside even the inference drawn against me by the Offg. Commissioner of Police in his order No.1910 dated 15-8-1932 (enclosed) and came to a finding of "Mis-demeanour" for not having reported the receipt of the money order forthwith. In doing so, most respectfully I beg to submit that I should have been re-instated according to note to clause ii of Section 199 Bangalore Police Orders

> "Note to clause ii of Sec.199.
> For minor offences & in cases of more serious mis-conduct when a man has a previous good record the punishment may be held in abeyance for a stated period ranging from 3 to 12 months"

and if at all the offence is considered to be such as to affect seriously the character or suitability for the department, I should have only been reprimanded according to Section 78(a) of the Bangalore Police Orders

> "78 (a) of the Bangalore Police Orders.
>
> Inspectors, Sub Inspectors and Sergeants should only be severely reprimanded when the offence is such as to affect seriously the character or suitability for the department. If severely reprimanded three times in a year these officers will be liable for reduction or dismissal".

but

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but the Hon'ble the Resident, in setting aside the finding of the Offg. Commissioner of Police against me, completely ignored the above provisions of the Bangalore Police Orders presumably because the deliberate false allegations against one Mr. Vinayaga Mudaliar, Confidential Assistant to the Commissioner of Police by the said Mr. Ashe and the case of Defamation by Mr. Vinayaga Mudaliar against Mr. Ashe were both under enquiry in Court at the time.

I beg to submit that when the findings of both the Lower and Chief Courts and the Enquiring Officer's report in the case of Mr. Vinayaga Mudaliar, Confidential Assistant to the Commissioner of Police versus Ashe clearly convinced the Hon'ble the Resident with what malice the said Mr. Ashe had freely and deliberately carried on a campaign of villification against the officers of the Police department and the said official was re-instated as a result of the grave charges of curruption and bribery against him having been found to be unsubstantiated, one Mrs. Harriott L.Lee, M.B.E., one of my sympathisers represented my case to the Hon'ble the Resident in Mysore for favour of re-consideration on 23-6-1933. While this appeal was pending disposal the following events took place in the Police department which further strengthened my case for re-instatement:-

1. Sub Inspector Shahbuddin, a police officer of long experience, was found guilty of grave charges of Corruption Extortion and Bribery and was dismissed from Service, vide Residency Order No.486 dated 15th August 1934 page 22 (enclosed) but he has been re-instated after a month of dismissal even without an appeal having been submitted by him.

2. Sub Inspector Kalyan Singh of the Traffic Department was also found guilty of such grave charges of Corruption and Bribery at the same time and was dismissed from Service but the order of dismissal is kept in abeyance for 1 year presumably under Section 133 Bangalore Police Orders.

3. Inspector M.J. Smith, a responsible Police officer

of

17

of mature experience was similarly found guilty of the grave charges of Corruption and Bribery at the same time but he has been awarded a Compassionate pension of Rs.100/- p.m. although he was discharged from service - vide Residency orders No.436 dated 15th August 1934.

Inspite of all these facts, as I did not receive a reply to my appeal, I submitted a reminder for which after a lapse of 18 months I was informed on 9-11-1934 that the Hon'ble the Resident is not prepared to interfere with the orders passed by his predecessors.

I, therefore, most humbly submit to your honour to kindly peruse the Minute in my case and the finding of the Hon'ble the Resident in Mysore on my appeal which will clearly show how unjustly I have been treated inspite of the fact that I have not been found guilty of any serious charge except the finding of "Mis-demeanour". May I also most respectfully draw your honour's kind attention to the ample provisions provided in Section 73(a) & 139 Bangalore Police Orders for offences of serious and grave nature, whereas, in my case, for a minor offence, apart from ceasing my probation as Sub Inspector of Police I have been dismissed from Government Servive - double punishment. It will not be out of place for me to respectfully submit that a kind perusal of the Minutes of the officers referred to above will clearly convince your honour of the serious charges with which all of them have been found guilty. Compared to the grave charges against the aforementioned experience and responsible police officers and the privileges shown to them in return for such offences, I submit that my case stands nowhere and the punishment awarded to me is too severe and unjust. At least there are extenuating circumstances in my case on account of my inexperience as pointed out by the Offg. Commissioner of Police himself in the concluding paragraph of the Minute, my unblemished character and the excellent record of service in the Police Department and in the Army.

In

18

In fine, most respectfully I beg to submit that I belong to a respectable Christian family whose members have always been held in high esteem and the order in question has come as a shock to them. So far as I am concerned, the prosperous career open to a young man of my age has been blasted. My last hope is in receiving justice at your gracious hands. Wherefore most respectfully I pray that your honour will be graciously pleased to give your honour's kind attention to my humble appeal taking into your honour's sympathetic consideration the excellent record of my services, my unblemished character for the past 3 years in the Police department and 3 years in the Army (in the Great War), my youth and inexperience and the respectability of my family many of whom have rendered meritorious services in the Army as Commissioner Officers and be pleased to issue orders re-instating me under Sec. 73(a) & 133 Bangalore Police Orders.

For which act of justice and grace, I shall ever feel grateful.

I beg to remain,

Sir,

Your most obedient and humble servant,

Sd. D. Selvaraj.

19

M I N U T E.

1. Probationary Sub Inspector D. Selvaraj and Head Constable 523 Joseph of the Traffic Department are charged with :-

2. Negotiating with a Taxi Proprietor for the payment of illegal gratification and in the case of S.I. Selvaraj receiving Rs.20/- from the said Taxi Proprietor.

3. On the 11th July Mr. C.H. Ashe, a proprietor of a motor garage and taxies etc. presented a petition to the Commissioner of Police in which he complained that finding his taxies being frequently prosecuted, he on 2-7-31 questioned Head constable Joseph of the traffic department, that the latter told him that Gaiban Khan, the proprietor of buses was paying Rs.50/- a month to the S.I. Selvaraj and that if he, Mr. Ashe paid Rs.20/- p.m. the prosecutions would cease. That "the same evening or the next day" Selvaraj stopped him near the market and asked him if Joseph had seen him. He replied in the affirmative and said he would see to it. On the 6th Joseph telephoned to him from Broadway Police station and said he would be coming later for the money. He came at 3-30 the same day but Mr. Ashe put him off. On the 7th Joseph sent him a note (Ex.A) through a police constable asking for the money. He would not attend to him then because he was just going to the races. The next day he sent a money order for Rs.20/- to the Sub Inspector. He produced the money order receipt Ex.B. He aided that the S.I. had sent word through his deiver that he wanted a car every day to take his children to school and bring them back.

4. Mr. Ashe was examined in the presence of the Sub Inspector and Head constable when he repeated his accusation with some variations which will be mentioned later.

Mr. Hayes, Mr. Ashe's manager speaks to two visits of Head constable Joseph to Mr. Ashe's office but does not know the object of the visits.

Mr. Ashe's deiver states that Selvaraj told him to ask his master for a taxi to take his children to and from school which message he delivered to Mr. Ashe.

5. Both the accused deny the offences with which they are

charged

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charged and cite witnesses in their defence.

Selvaraj asserts that he never saw Mr. Ashe nor spoke to him That he has been prosecuting cases impartially against Ashe's taxies and against Gaiban's buses. He asserts that Mr. Ashe had been threatening the traffic police. He admits that on or about 3-7-21 a sum of Rs.20/- came to him from Mr. Ashe and that he did not know why the money had been sent. That he went to see Mr. Ashe on four occasions to ask him about it but could not see him. He subsequently learned that the money was intended for Joseph as a loan. He asserts that he never had any dealing with Ashe and that the allegations are deliberately false. He adds that he has no children attending school, he has one child of 3 years. H.C. 153 speaks to the threat uttered by Ashe against the traffic staff.

Sub Inspector Govindarajulu speaks to the fact that S.I. Selvaraj has one child of 3, not yet attending school and a baby in arms 2 months old.

H.C.523 Joseph denies having met Ashe on the 2nd and says that he was sixk from the 5th and that he neither met Ashe on the 6th nor phoned to him. That he has known Mr. Ashe since 1926 and borrowed Rs.20/- from him in 1929. He was negotiating for another loan of Rs.50/- from him to perform his sister's daughter's marriage and that Mr. Ashe had promised to give him the loan during the first week of July. He went to complainant's quarters in the first week of July and asked him for the loan. He promised to send it. Meanwhile he (Joseph) fell ill and so he sent a chit through P.C. 179 for the money. Subsequently he heard that Selvaraj had received a M.O. for Rs.20/- from Mr. Ashe and opined that that Rs.20/- must be intended for him as he had once before borrowed Rs.20/- from complainant. He asserts that Mr. Ashe's allegations are entirely false and requests action to be taken against Mr. Ashe for making false allegations.

P.C. 179 speaks to carrying a chit from Joseph to complainant and states that Joseph told him that Ashe would give him Rs.50/-. He says that the Head constable was lying ill

at

(11)

at the time. Ex. P.C.410 speaks to the loan transaction in 1929 between Mr. Ashe and H.C. Joseph.

Dr. Rama Rao certifies that Joseph was ill from 6-7-31 to 16-7-31.

6. To consider first the case of Selvaraj. It is evident that Mr. Ashe was out to "Collectx sufficient and tangible evidence against the Sub Inspector and his staff so that action may be taken against them" I quote from his petition. There is no proof th t Selvaraj had any direct dealings with Mr. Ashe at all. Mr. Ashe mentions only one interview which Selvaraj denies. Ashe alleges that Selvaraj said that he did not seem to be caring about them (the police) and asked if he had seen Joseph. In his petition Ashe alleged that this interview took place "near the market" on "the same evening or the next day" i.e. on 2nd or 3rd. In his recorded statement Mr. Ashe is definite that the interview took place near Commercial Street in front of some harness shops" on the 3rd between "8-30 and 10 A.M." There are no witnesses to the interview and in view of Mr. Ashe's contradictory statements I have to find that the alleged interview did not take place.

Mr. Ashe asserts that Joseph said he was negotiating on behalf of S.I. Selvaraj, whether this is true or not this cannot be accepted as evidence against Selvaraj.

Mr. Ashe's allegation Selvaraj regarding the latter's requisition for taxies to take his children to school also falls to the ground as it is proved that Selvaraj has no school going children.

Re. Mr. Ashe's grievance viz. that his taxies were being frequently "runin" whereas his rival Gaiban's buses were not. I find this charge equally baseless. During the last three months nine reports were received against Ashe's taxies and ten against Gaiban's buses.

The fact remains that Selvaraj received Rs.20/- by M.O.

from

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from Ashe on 9-7-31 and he pocketted the amount and said nothing about it till 14-7-31 when he was questioned by the Commissioner. Seeing that Ashe was a Proprietor of taxies and that Selvaraj was in charge of the traffic department, while it is not proved, that he negotiated for the money, it is an irresistible inference that he knew that the money was intended as an illegal gratification. His duty was clear he should at once have reported the matter to his superiors.

The case of H.C. Joseph is on an entirely different footing. This H.C. has known Mr. Ashe for a number of years. It is proved that he had recent interviews with complainant. Ex.A. was clearly sent as a result of previous negotiations. In the chit he pleads illness" so the same may be paid to the bearer. He admits the authenticity of the chit, and explains that it referred to a loan. The explanation does not help him. Even if the explanation were accepted as true, for an Head constable in the traffic department to take loans (he says it is not the first transaction of this nature) from the Proprietor of a taxi service would be a very serious offence. I do not, however accept the explanation and I find H.C. Joseph guilty of negotiating with Mr. Ashe for the payment of a bribe.

Regarding punishment.

Selvaraj was a Probationary Sub Inspector under training. He was placed in charge of the Traffic Department only on 2-4-31. He had no experience. It is clear that Ashe set a deliberate trap for him into which he promptly fell. The offence of which he has been found guilty shows that he is unable to withstand temptation and is not a fit man for the Police Force. The order ceasing his probation is hereby confirmed.

He has a lien on a permanent appointment as clerk on Rs.43/- in the Commissioner of Police office having joined the office in 1923. He is dismissed from Govt. Service from date of receipt of order.

H.C. Joseph has nine years service in the Police and over 5 years in the Army. He has been dealing with traffic for several years. I can find no extenuating circumstances. He is

dismissed

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dismissed from the Force from date of receipt of order.

Sd. R.S. Milton.

Offg. Commissioner of Police.

1-9-31.

Extract of Good Service entries from the Service Register of D. Selvaraj.

.....

1. 16-12-1930.

A Good Service entry for good work done in B/4 crime No.126/358 of 1930.

Sd/- E.H. Sullivan.

Commissioner of Police.

---

2. 3-5-1931.

Granted a reward of Rs.20/- for good work done in B/4 Crime No.32/31 which led to the detection of 6 more cases.

Sd/- R.S. Milton,

Commissioner of Police.

.....

3. The reward of Rs.200/- offered by the Mahalaxmi Mills for the recovery of the articles valued to the extent of Rs.1500/- stolen from the Mills go-down vide High Ground Crime No.17 and 20 of 30-31 Sec.457, 380 I.P.C., has not yet been received.

4. The extract from the judgment delivered by the City Magistrate Bangalore City, in the Mahalaxmi Mills Daring Burglary case dated 7-6-31 relating to the excellent services rendered by me in the detection of that case, has not yet been received.

Proceedings of the Hon'ble the Resident in Mysore.

No.1910. Dated Bangalore the 15th March 1932.

Read:-

Petitions dated the 10th October 1931 and 16th October 1931 from D. Selvaraj, ex Sub Inspector of Police Civil and

Military

14

Military Station Bangalore appealing against the order dated the 1st September 1931 of the Commissioner of Police, dismissing him from the Police Force.

Read also the records of the case.

ORDER.

The Hon'ble the Resident, after reviewing the records of the case is of opinion that the charge of bribery against the appellant was not proved. He is, however, satisfied that ex-Sub Inspector Selvaraj's conduct in not reporting immediately the receipt of a sum of money from a person with whom he had to deal in an official capacity is a grave misdemeanour on the part of an officer employed in the Police Department. The Hon'ble the Resident is therefore pleased to uphold the orders of dismissal but directs that the reason for dismissal shall be that the appellant has proved himself to be unfit for further employment in the Police department.

Sd/ George H. Cook.

15-3-32.
for Secretary to the Resident.

.....

Memorandum No.F.1002-34/R.O.II dated 3rd November 1934 from the Secretary to the Hon'ble the Resident in Mysore, to the Commissioner of Police, Civil and Military Station, Bangalore.

Dismissal of Sub Inspector D. Selvaraj from the Station Police Force.

.....

Reference his endorsement S.B.No.273/34 dated the 3rd October 1934.

The petitioner may be informed that the Hon'ble the Resident is not prepared to interfere with the orders passed by his predecessor.

115

No.2132/A/34.

Office of the Commissioner of Police,
Civil and Military Station,
Bangalore,

Dated the 9th November 1934.

Copy forwarded to ex-Sub Inspector D. Selvaraj, Bangalore, for information.

Sd/- E.H. Sullivan.

Commissioner of Police.

c/c.

SN4

16

No. [redacted]
R.O.I.

Found Nil 14/2/36

The undermentioned papers are forwarded in original to the Commissioner of Police, Civil and Military Station, Bangalore, with the request that Mr.D. Selvaraj may be informed that his petition cannot be considered by the Government of India unless it is submitted through the proper official channel.

By order, etc.,

for

ASSISTANT SECRETARY TO THE RESIDENT.

The Office of the Resident in Mysore,
Bangalore,
The 14th January 1936.

Letter dated the 3rd January 1936, with enclosures, from Mr.D. Selvaraj formerly Sub Inspector of Police, Civil and Military Station, Bangalore, regarding his dismissal from Government service.

PKH/1.2.

OFFICE OF THE COMMISSIONER
No. 417/AG/35
1 MAR. 1935
BANGALORE
C & M STATION

Bangalore.

1st March 1935.

From

D. Selvaraj,
5 Pettigrew street,
St. John's Hill.
Bangalore.

To

The Commissioner of Police,
Civil & Military Station, Bangalore.

Sir,

As instructed in your endorsement No.417/A.G/35 dated 22-2-35 most respectfully I beg to submit herewith my memorial for favour of re-consideration.

For which act of kindness I shall ever feel greateful.

OFFICE OF THE RESIDENT IN MYSORE
BANGALORE
2 MAR. 1935
Regd. No. 2148
File. No. 1002/34

I beg to remain,
Sir,
Your most obedient servant,
D. Selvaraj

1-3-35

Forwarded to the Secretary to the Resident with reference to No: F.1002-34 R.O.T dt 4th January 1935

E. Williams
Commissioner of Police
Bangalore
1/3/35

Bangalore
27th Feb-1935.

From
D. Selvaraj,
5 Pettigrew street,
St. John's Hill,
Bangalore.

To
The Secretary
to the Government of India,
Foreign & Political Department,
New Delhi.

Through
1) The Commissioner of Police, C & M Station
2) The Hon'ble the Resident in Mysore, Bangalore.

Sir,

I, D.Selvaraj, ex Sub Inspector of Police, do hereby beg to prefer this, my humble appeal in revision against the order passed by R.S. Milton Esq, the Offg. Commissioner of Police on 1-9-31 dismissing me from service and in doing so beg to submit as follows:-

I joined the Police Department as clerk in 1923 and in appreciation of my good work I was selected as a Sub Inspector of Police in the year 1929. I completed my Police training with distinction at Vellore and in 1930 I was attached to a station. Within a short period of six months, I detected several crimes and the entries in my service register by the Commissioners of Police testify to my good work, copy of the entries is attached hereto.

During the course of seven years service, I have always done my best to loyally and faithfully carry out the duties entrusted to me and have a very good record to my credit.

On 7-4-31, I was asked to take charge of the Traffic department which I did. Being new to the work, I was trying my best to learn the duties in connection with this post. On 9-7-31 I received a Money order addressed to my home address from one Mr. C. H. Ashe without any directions in the M.O.

Secondly I did not take action on the reports made by Sergeant Brown dated 1-6-31 & 27-6-31 against Ashe's rival Gaiban's taxies

Thirdly I was not at all reporting against his rival Gaiban's buses and was favouring him as I was receiving from him a bribe of Rs. 50/- per mensem and

Fourthly that I wanted a taxi daily for my children to go to school etc.

and realized bitterly with what malice the said Mr. Ashe had sent me the M.O. with the deliberate intention of ruining an honest man like me who had always striven his best to give satisfaction to his superiors and to discharge his duties faithfully and loyally.

Although the Offg. Commissioner of Police held, after enquiry, that he was not prepared to believe any portion of Mr. Ashe's statement with regard to my having negotiated with him and found all the allegations specifically false, baseless and unfounded - vide the Minute enclosed - yet he drew an adverse inference, because, he had, by that time, ceased my probation as Sub Inspector of Police without holding an enquiry and held me guilty of having succombed to temptation by reason of having received and kept the amount with me for 3 days. He failed to take into consideration the important facts that:- I had made a note of the calls at the residence of Mr. Ashe on four days in my official movements diary and (2) that even on 13-7-31 I preferred a charge sheet against one of Mr. Ashe's taxies which fact is quite inconsistent with my having received the sum of Rs. 20/- by way of bribe or illegal gratification from the said Mr. Ashe. In fact it proves beyond doubt my innocence and establishes that I received the M.O. bona fide and not as alleged.

I further beg to submit that in enquiring into the allegations against me the Offg. Commissioner of Police did not conform to the procedure laid down in Police order 199 and Sec.7 (2) of Police order 204. The Offg. Commissioner of Police unfortunately for me, had made up his mind against me from the moment the charges had been made believing Mr. Ashe and there was no use my trying to convince him out of his belief.

It is further a well recognized principle of British Criminal jurisprudence that when two constructions are possible of an act, to accept the construction consistent with innocence rather than the one with guilt.

Further I beg to submit that if I had intended to take a bribe it was more easy and safe for me either to call at the place of Mr. Ashe in person or send some confidential person when he happened to be a local resident of the Station rather than risk my good name and good record of service and my future prospects by accepting money order remittance if I knew it was offered as bribe and stand the chance of sure conviction. Again it is quite clear that Head Constable Joseph's explanation is in favour of my innocence.

Being new to Traffic department and inexperiences as pointed out by the learned offg. Commissioner of Police himself in para 7 of the Minute, I received the Money order remittance in good faith believing that the remitter would communicate either in person or in writing the object for which the money was sent and how it had to be disposed of. Even Mr. Ashe would not have daringly sent a money order if the same was meant as bribe realizing full well the consequence to himself of offering illegal gratification to a Public servant unless it was meant for a specific purpose. If it was really his object to test my official integrity he would have at first intimated the course he was going to adopt in a confidential communication to the Commissioner of Police. I further paid 4 visits to elicit the object for which the money order was sent and did not report the receipt of the remittance to my superiors as I was trying to ascertain the purpose for which the same was sent and yet the Offg. Commissioner of Police drew an adverse inference against me as to my intent by reason of this fact and passed an order not only of ceasing my probation as Sub Inspector of Police but also dismissed me from Government service.

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On 10-10-31 I submitted my appeal against the order of the Offg. Commissioner of Police. Hon'ble Sir E.Burke, the then Resident in Mysore, was pleased to specifically set aside even the inference drawn against me by the Offg. Commissioner of Police in his order No.1910 dated 15-3-1932 (enclosed) and came to a finding of "Misdemeanour" for not having reported the receipt of the money order forthwith. In doing so, most respectfully I beg to submit that I should have been re-instated according to note to clause ii of Section 199 Bangalore Police orders

(See 75 P.O.)

Note to clause ii Sec.199. (see 75 of P.O.)

> For minor offences and in cases of more serious mis-conduct when a man has a previous good record the punishment may be held in abeyance for a stated period ranging from 3 to 12 months"

and if at all the offence is considered to be such as to affect seriously the character or suitability for the department, I should have only been reprimanded according to Sec. 78(a) of the Bangalore Police orders:-

"78(a) of the Bangalore Police Orders

> Inspectors, Sub Inspectors and Sergeants should only be severely reprimanded when the offence is such as to affect seriously the character or suitability for the department. If severely reprimanded three times in a year these officers will be liable for reduction or dismissal".

but the Hon'ble the Resident, in definitely setting aside the finding of the Offg. Commissioner of Police against me completely ignored the above provisions of the Bangalore Police orders presumably because of the deliberate false allegations against one Mr. Vinayaga Mudaliar, Confidential Assistant to the Commissioner of Police by the said Mr. Ashe and the case of defamation by Mr. Vinayaga Mudaliar against Mr. Ashe which were both under enquiry in Court at the time.

I beg to submit that when the findings of both the Lower and Chief Courts and the Enquiring officers report in the case of Mr. Vinayaga Mudaliar, Confidential Assistant to the Commissioner of Police against Ashe clearly convinced

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the Hon'ble the Resident with what malice the said Mr. Ashe had freely and deliberately carried on a campaign of villification against the officers of the Police department and the said official was re-instated as a result of the grave charges of corruption and bribery against him having been found to be unsubstantiated, I represented my case for favour of re-consideration on 23-6-1933. While this appeal was pending disposal the following events took place in the Police Department which further strengthened my case for re-instatement:-

1 One Sub Inspector Shahbuddin, a police officer of long experience was found guilty of the grave charges of corruption and bribery and was dismissed from service, vide Residency Order No.486 dated 15th August 1934 page 22 (enclosed) but he has been re-instated after a month of dismissal.

2 Sub Inspector Kalyan Singh of the Traffic Department was also found guilty of the grave charges of corruption and bribery at the same time and although he has been dismissed from Service yet the order of dismissal is kept in abeyance for 1 year presumably under Section 199 Bangalore Police orders.

3. Inspector M.J. Smith, a responsible police officer of mature experience was similarly found guilty of the grave charges of corruption and bribery but he has been discharged vide Residency orders No.486 dated 15th August 1934 and he has been awarded a compassionate allowance of Rs. 100/- p.m.

Inspite of all these facts I did not receive a reply to my appeal and I therefore submitted a reminder for which after a lapse of 18 months I was informed on 9-11-1934 that the Hon'ble the Resident is not prepared to interfere with the orders passed by his predecessors.

I therefore, most respectfully submit to your honour to kindly peruse the Minute in my case and the finding of the Hon'ble the Resident in Mysore on my appeal which will clearly show how unjustly I have been treated inspite of the fact that I have not been found guilty of any serious charge

May I also most respectfully draw your honour's kind attention to the ample provisions provided in Sections 78(a) and 199 Bangalore Police orders for offences of serious and grave nature, whereas in my case, for a minor offence, apart from ceasing my probation as Sub Inspector of Police I have been dismissed from service. It will not be out of place for me to respectfully submit that a kind perusal of the Minutes of the officers referred to above will clearly convince your honour of the serious charges with which all of them have been found guilty. Compared to the grave charges against the aforementioned experienced and responsible police officers and the privileges shown to them in return for such offences, I submit, that my case stands nowhere and the punishment awarded to me is drastic and unjust. Atleast there are extenuating circumstances in my case on account of my inexperience as pointed out by the Offg. Commissioner of Police himself in the concluding paragraph of the Minute, my unblemished character and the excellent record of service in the Police department and in the Army.

In fine, most respectfully I beg to submit that I belong to a respectable Christian family whose members have always been held in high esteem and the order in question has come as a shock to them. So far as I am concerned, the prosperous career open to a young man of my age has been blasted. My last hope is in receiving justice at your gracious hands. Wherefore most respectfully I pray that your honour will be graciously pleased to give your honour's kind attention to my humble appeal taking into your honour's sympathetic consideration the excellent record of my services, my unblemished character for the past 8 years in the Police department and 3 years in the Army (in the great war) my youth and inexperience and the respectability of my family many of whom have rendered meritorious services in the Army as Commissioned officers and be pleased to issue orders

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75?

re-instating me under Section 78(a) & 199 Bangalore Polic orders.

For which act of justice and grace I shall ever feel grateful.

I beg to remain,
Sir,
Your most obedient servant

D. Jeevaraj

M I N U T E.

1. Probationary Sub Inspector D.Selvaraj and Head Constable 533 Joseph of the Traffic Department are charged with:-

2. Negotiating with a Taxi Proprietor for the payment of illegal gratification and in the case of S.I. Selvaraj receiving Rs. 20/- from the said Taxi Proprietor.

3. On the 11th July Mr. C.H.Ashe, a proprietor of a motor garage and taxies etc. presented a petition to the Commissioner of Police in which he complained that finding his taxies being frequently prosecuted, he on 2-7-31 questioned Head constable Joseph of the traffic department, that the latter told him that Gaiban khan, the proprietor of buses was paying Rs. 50/- a month to the S.I. Selvaraj and that if he, Mr. Ashe paid Rs. 20/- p.m. the prosecutions would cease. That "the same evening or the next day" Selvaraj stopped him near the market and asked him if Joseph had seen him. He replied in the affirmative and said he would see to it. On the 6th Joseph telephoned to him from Broadway Police station and said he would be coming later for the money. He came at 8-30 the same day but Mr. Ashe put him off. On the 7th Joseph sent him a note (Ex.A) through a police constable asking for the money. He would not attend to him then because he was just going to the races. The next day he sent a money order for Rs. 20/- to the Sub Inspector. He produced the money order receipt Ex.B. He added that the S.I. had sent word through his driver that he wanted a car every day to take his children to school and bring them back.

4. Mr. Ashe was examined in the presence of the Sub Inspector and Head constable when he repeated his accusation with some variations which will be mentioned later.

Mr. Hayes, Mr. Ashe's manager speaks tp two visits of Head constable Joseph to Mr. Ashe's office but does not know the object of the visits.

Mr. Ashe's driver states that Selvaraj told him to ask his master for a taxi to take his children to and from school which message he delivered to Mr. Ashe.

5. Both the accused deny the offences with which they are

charged and cite witnesses in their defence.

Selvaraj asserts that he never saw Mr. Ashe nor spoke to him That he has been prosecuting cases impartially against Ashe's taxies and against Gaiban's buses. He asserts that Mr. Ashe had been threatening the traffic police. He admits that on or about 9-7-21 a sum of Rs. 20/- came to him from Mr. Ashe and that he did not know why the money had been sent. That he went to see Mr. Ashe on four occasions to ask him about it but could not see him. He subsequently learned that the money was intended for Joseph as a loan. He asserts that he never had any dealings with Ashe and that the allegations are deliberately false- He adds that he has no children attending school, he has one child of 3 years.
H.C. 153 speaks to the threat uttered by Ashe against the traffic staff.

Sub Inspector Govindarajulu speaks to the fact that S.I. Selvaraj has one child of 3, not yet attending school and a baby in arms 2 months old.

H.C. 523 Joseph denies having met Ashe on the 2nd and says that he was sick from the 5th and that he neither met Ashe on the 6th nor phoned to him. That he has known Mr. Ashe since 1926 and borrowed Rs. 20/- from him in 1929. He was negotiating for another loan of Rs. 50/- from him to perform his sister's daughter's marriage and that Mr. Ashe had promised to give him the loan during the first week of July. He went to complainant's quarters in the first week of July and asked him for the loan. He promised to send it. Meanwhile he(Joseph) fell ill and so he sent a chit through P.C. 179 for the money. Subsequently he heard that Selvaraj had received a M.O. for Rs. 20/- from Mr. Ashe and opined that that Rs. 20/- must be intended for him as he had once before borrowed Rs. 20/-from complainant. He asserts that Mr. Ashe's allegations are entirely false and requests action to be taken against Mr. Ashe for making false allegations.

P.C. 179 speaks to carrying a chit from Joseph to complainant and states that Joseph told him that Ashe would give him Rs. 50/- He says that the Head constable was lying ill at the time.

Ex. P.C.

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Ex. P.C.410 speaks to the loan transaction in 1929 between Mr. Ashe and H.C.Joseph.

Dr. Rama Rao certifies that Joseph was ill from 6-7-31 to 16-7-31.

6. To consider first the case of Selvaraj. It is evident that Mr. Ashe was out to "collect sufficient and tangible evidence against the Sub Inspector and his staff so that action may be taken against them" I quote from his petition. There is no proof that Selvaraj had any direct dealings with Mr. Ashe at all. Mr. Ashe mentions only one interview which Selvaraj denies. Ashe alleges that Selvaraj said that he did not seem to be caring about them (the police) and asked if he had seen Joseph. In his petition Ashe alleged that this interview took place "near the market" on " the same evening or the next day" i.e. on 2nd or 3rd. In his recorded statement Mr. Ashe is definite that the interview took place "near Commercial Street in front of some harness shops" on the 3rd between "8-30 and 10 A.M." There are no witnesses to the interview and in view of Mr. Ashe's contradictory statements I have to find that the alleged interview did not take place.

Mr. Ashe asserts that Joseph said he was negotiating on behalf of S.I.Selvaraj, whether this is true or not this cannot be accepted as evidence against Selvaraj.

Mr. Ashe's allegation against Selvaraj regarding the latter's requisition for taxies to take his children to school also falls to the ground as it is proved that Selvaraj has no school going children.

Re. Mr. Ashe's grievance viz. that his taxies were being frequently "run in" whereas his rival Gaiban's buses were not. I find this charge equally baseless. During the last three months nine reports were received against Ashe's taxies and ten against Gaiban's buses.

The fact remains that Selvaraj received Rs. 20/- by M.O. from Ashe on 9-7-31 and he pocketted the amount and said nothing about it till 14-7-31 when he was questionedby the Commissioner. Seeing that Ashe was a Proprietor of taxies and that Selvaraj was in charge of the traffic department, while it is not proved, that he

negotiated for the money, it is an irresistible inference that he knew that the money was intended as an illegal gratification. His duty was clear he should at once have reported the matter to his superiors.

The case of H.C.Joseph is on an entirely different footing. This H.C. has known Mr. Ashe for a number of years. It is proved that he had recent interviews with complainant. Ex.A. was clearly sent as a result of previous negotiations. In the chit he pleads illness " so the same may be paid to the bearer. He admits the authenticity of the chit, and explains that it referred to a loan. The explanation does not help him. Even if the explanation were accepted as true, for an Head constable in the traffic department to take loans (he says it is not the first transaction of this nature) from the Proprietor of a txi service would be a very serious offence. I do not, however, accept the explanation and I find H.C.Joseph guilty of negotiating with Mr. Ashe for the payment of a bribe.

Regarding punishment.

Selvaraj was a Probationary Sub Inspector under training. He was placed in charge of the Traffic department only on 2-4-31. He had no experience. It is clear that Ashe set a deliberate trap for him into which he promptly fell. The offence of which he has been found guilty shows that he is unable to withstand temptation and is not a fit man for the Police Force. The order ceasing his probation is hereby confirmed.

He has a lien on a permanent appointment as clerk on Rs. 43/- in the Commissioner of Police office having joined the office in 1923. He is dismissed from Govt. Service from date of receipt of order.

H.C. Joseph has nine years service in the Police and over 5 years in the Army. He has been dealing with traffic for several years. I can find no extenuating circumstances. He is dismissed from the Force from date of receipt of order.

Sd/- R.S.Milton.
Offg. Commissioner of Police.
1-9-31.

/Copy/

Extract of Good Service entries from the Service Register of D.Selvaraj.

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1. 16-12-1930.

A Good Service entry for good work done in B/4 crime No. 126/858 of 1930.

Sd/- E.H Sullivan.
Commissioner of Police.

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2. 3-5-1931.

Granted a reward of Rs. 20/- for good work done in B/4 Crime No.32/31 which led to the detection of 6 more cases.

Sd/ - R.S.Milton.
Commissioner of Police.

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3. The reward of Rs. 200/- offered by the Mahalaxmi Mills for the recovery of the articles valued to the extent of Rs. 1500/- stolen from the Mills go-down vide High Ground Crime No.17 & 20 of 30-31 Sec.457, 380 I.P.C, has not yet been received.

4. The extract from the judgment delivered by the City Magistrate Bangalore City, in the Mahalxmi Mills Daring Burglary case dated 7-6-31 relating to the excellent services rendered by me in the detection of that case, has not yet been received.

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Proceedings of the Hon'ble the Resident in Mysore.

No.1910. Dated Bangalore the 15th March 1932.

Read:-

Petitions dated the 10th October 1931 and 16th October 1931 from D.Selvaraj, ex Sub Inspector of Police Civil and Military Station Bangalore appealing against the order dated the 1st September 1931 of the Commissioner of Police, dismissing him from the Police Force.

Read also the records of the case.

ORDER.

The Hon'ble the Resident, after reviewing the records of the case is of opinion that the charge of bribery against the appellant was not proved. He is, however, satisfied that ex-Sub Inspector Selvaraj's conduct in not reporting immediately the receipt of a sum of money from a person with whom he had to deal in an official capacity is a grave misdemeanour on the part of an officer employed in the Police Department. The Hon'ble the Resident is therefore pleased to uphold the orders of dismissal but directs that the reason for dismissal shall be that the appellant has proved himself to be unfit for further employment in the Police department.

Sd/- George H.Cook.
15-3-32.
for Secretary to the Resident.

/Copy/

Memorandum No.F. 1002-34/R.O.II dated 3rd November 1934 from the Secretary to the Hon'ble the Resident in Mysore, to the Commissioner of Police, Civil and Military Station, Bangalore.

Dismissal of Sub Inspector D.Selvaraj from the Station Police Force.

Reference his endorsement S.B. No.273/34 dated the 3rd October 1934.

The petitioner may be informed that the Hon'ble the Resident is not prepared to interfere with the orders passed by his predecessor.

No.2132/A/34:

Office of the Commissioner of Police,
C & M Station Bangalore.

Dated the 9th November 1934.

Copy forwarded to ex-Sub Inspector D.Selvaraj, Bangalore, for information.

Sd/- E.H.Sullivan.

Commissioner of Police.

/Copy/

THE MYSORE RESIDENCY ORDERS

PUBLISHED BY AUTHORITY.

Vol. XXI.] [No. 486.

BANGALORE, WEDNESDAY, AUGUST 15, 1934.

Separate paging is given to the Parts in order that they may be filed as distinct compilations.

PART II

Notifications by the several officers of the C. & M. Station, Bangalore.

ORDERS OF THE COMMISSIONER OF POLICE, C. & M. STATION, BANGALORE.

Inspector Mr. M. J. Smith is removed from service from 15-5-1934.

Sub-Inspector S. Sarvotham Rao is appointed to act as Inspector, B. Division, from 15-4-1934 until further orders.

Rewards.

Sub-Inspector K. A. Appachoo is allowed to accept a reward of Rs. 4 out of the amount of Rs. 26 forwarded by the Superintendent of Excise of the Station for good work in Excise Case Nos. C. R. 2 to 4.

Sub-Inspector S. A. Muthoo Pillay is allowed to accept a reward of Rs. 2 out of the amount of Rs. 26 forwarded by the Superintendent of Excise of the Station for good work in the above case.

S. Sarvotham Rao, Acting Inspector, B. Division, is granted a reward of Rs. 50 for hard work and detective skill in investigating Crime No. X/14 of 1933, Section 409, I.P.C., and securing conviction of S. M. S. Iyengar, a notorious inter-provincial cheat.

S. Sarvotham Rao, Acting Inspector, B. Division, is granted a reward of Rs. 20 for his painstaking and skill in investigating Crime No. X/19 of 1933, Sections 380, 468-471, 420 and 75, and securing the conviction of both accused in C. C. 580/384 on the file of the Munsiff-Magistrate's Court.

Good Service Entry.

Sub-Inspector T. Mohan is granted a good service entry for good work in Cr. No. 146/442 of 1933 of Ulsoor Police Station.

Sub-Inspector S. L. Vydyanatha Mudaliar is granted a good service entry for good work in Crime Nos. 31, 40, 44 and 45 of 1934 of B-3 Station.

Dismissal.

Sub-Inspector S. L. Vinayaga Mudaliar is dismissed from the Force from date of suspension, i.e., from the afternoon of 27th March 1934.

Sub-Inspector M. Shahabuddin Khan is dismissed from the Force with effect from 9th July 1934.

Transfers.

Sub-Inspector K. A. Appachoo is transferred from Broadway Police Station to Shoolay Police Station.

Sub-Inspector B. Subbaroya Sastry is transferred from Arsikere to Central Police Station, B. Division.

Sub-Inspector S. A. Muthoo Pillay is transferred from Central Station to Fraser Town Police Station.

Sub-Inspector B. V. Subboo Mudaliar is transferred from Fraser Town to Broadway Police Station.

E. H. SULLIVAN,
Commissioner of Police.

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(1) The "*Mysore Residency Orders*" is published fortnightly on the 1st and 15th of each month. All matter intended for publication therein should be addressed to the Manager, Residency Press, Bangalore, so as to reach his office not later than three days previous to date of publication; matter received later will be inserted in the next issue.

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The Civil Rules of Practice, Bangalore, 1927. Rs. 4-6-0 (As. 2-6.).

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P.O. 345—Printed at the Mysore Residency Press, Bangalore—15-8-1934.

S.N.6

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S.N.5 e.f.14

To

The Commissioner of Police,
Civil and Military Station,
Bangalore.

Subject:- Mr. S. Selvaraj's petition to the Government of India against the order of his dismissal from the Station Police Force.

Reference your endorsement No.417/Ag/35, dated the 1st March 1935.

The petition is withheld under para 7(16)(b) Part III of the Government of India, Home Department's Notification No. F.6/7/33-11, Public dated the 19th June 1933. Mr. S. Selvaraj may be informed accordingly.

× Extract enclosed.

for Assistant Secretary to the Resident.

Note

This will be entered in the list of Memorials withheld in this Residency.

S. S.

29.4.35

T.N.T.

29-4-35.

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